



SQUIRE, SANDERS & DEMPSEY L.L.P.

1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, DC 20044-0407

Office: +1.202.626.6600
Fax: +1.202.626.6780

Direct Dial: +1.202.626.6265
majohnson@ssd.com

November 7, 2003

FILED ELECTRONICALLY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

**Re: Notice of Ex Parte Presentation in WT Docket No. 01-90 and ET Docket No. 98-95:
Amendment of the Commission's Rules Regarding Dedicated Short Range
Communications Services in the 5.850-5.925 GHz Band (5.9 GHz Band)**

Dear Secretary Dortch:

Pursuant to Rule 1.1206 of the Commission's Rules (47 C.F.R. § 1.1206), notice is hereby provided in the above-referenced dockets regarding an *ex parte* presentation made to staff of the Wireless Telecommunications Bureau's Public Safety and Private Wireless Division by representatives of the Intelligent Transportation Society of America ("ITS America") and others on November 6, 2003.

Representing ITS America were Paul Najarian, Director of Telecommunications and Telematics, and Robert B. Kelly and Mark D. Johnson of Squire, Sanders & Dempsey L.L.P., counsel to ITS America. Also in attendance was Broady Cash, a Senior Engineer with ARINC, Inc., who is also the Chairman of the DSRC Standards Working Group of the American Society for Testing and Materials ("ASTM") Working Group E17.51 ("ASTM Working Group"). Attending from the Wireless Telecommunications Bureau's Public Safety and Private Wireless Division were Herb Zeiler, Deputy Division Chief (Technical); Peter Daronco, Deputy Chief, Policy and Rules Branch; Greg Intoccia, Senior Counsel; Nancy Zaczek, Attorney-Advisor; and Gerardo Mejia, Electronics Engineer.

The purpose of this meeting was to update the Commission on recent activities by ITS America and others to address issues in the record regarding the pending Notice of Proposed Rulemaking proposing licensing and service rules for Dedicated Short Range Communications ("DSRC") for Intelligent Transportation System ("ITS") in the 5.9 GHz Band.

ITS America noted that the DSRC industry and the Fixed Satellite Services (“FSS”) industry continue discussions regarding potential coordination and interference issues related to DSRC and FSS operations in the 5.9 GHz Band and FSS operations in the adjacent C Band, as reflected in several submissions to the record. The goal of these discussions remains to reach a mutually beneficial accommodation regarding these issues.

The attendees discussed the technical and operational characteristics of proposed DSRC transmitters, including device classes, power limits, EIRP limits, corresponding communications zones and equipment type certification. The attached one-page handout, entitled “Proposed Control Channel Usage Limits” was given to the Commission staff and discussed by the attendees. The attendees also discussed the proposed antenna height correction factor recommended by ITS America. Finally, the attendees discussed a possible schedule for the release of a Commission Report and Order adopting licensing and service rules for the DSRC service.

Please do not hesitate to contact me if there are any questions regarding this submission. Copies of this notice and attachment will be provided via email to representatives of the Public Safety and Private Wireless Division who were in attendance.

Sincerely,

-- s --

Mark D. Johnson

Attachment

cc: Herb Zeiler
Peter Daronco
Greg Intoccia
Nancy Zaczek
Gerardo Mejia

PROPOSED CONTROL CHANNEL USAGE LIMITS

Below is a table that defines the limits of Control Channel usage for public safety applications and private applications.

1. For Private Applications:

	<u>RSUs</u>	<u>OBUs</u>
Maximum Data Transmission Duration:	750 usec	580 usec
Minimum Interval between Data Transmissions:	20 msec*	100 msec

*10 msec Minimum Transmissions Intervals are allowed in low power (20 dBm EIRP) operations.

2. For Public Safety Applications:

	<u>RSUs</u>	<u>OBUs</u>
Maximum Transmission Duration:	No Limitations*	No Limitations*
Minimum Interval between transmissions:	No Limitations*	No Limitations*

3. Users of Private Applications are not allowed to respond on the Control Channel to announcements of Private Applications.